

# Similar Use Determination Application

Handout #20 Revised 2/24/04



## What is a similar use determination?

Clark County Code provides a list of uses permitted by district. However, not all types of uses are listed. For uses that are not listed in the code, the county must determine if such unlisted uses are "similar" to other permitted uses in the district.

## Who makes a similar use determination and what is the decision based upon?

The planning director makes a "similar use determination". The director may refer any proposal to the hearing examiner for review and approval or denial. A "similar use determination" is based upon the following:

- The use is not listed within any district;
- A similar use determination was not previously made for the subject unlisted use;
- The use would be compatible with the existing character of the area based upon the following:
  - a. That the site of the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by the code;
  - b. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
  - c. That the proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;
  - d. That in the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties; and,
- The use would be compatible with adopted county land use policies and goals.

## What is the application and review process?

To apply, complete and submit the Development Review Application form, pay the similar use determination fee of **\$1,571**, and provide a narrative that addresses the approval criteria of a, b, c, and d, listed above.

Within 21 calendar days, staff will review the application to determine if the application is "Fully Complete." If this review determines that more information is needed to review the proposal, the applicant will receive a letter that includes a list of additional items required. Once this information is submitted, the application will be deemed "Fully Complete."

If a similar use determination application does not identify a specific lot, it will be processed as a Type I review. If the application is associated with a specific lot, it will be processed as a Type II review. For Type I reviews, a decision on the similar use determination will be issued within 21 calendar days from the date the application submittal package is determined to be fully complete. For Type II reviews, the decision will be issued within 78 calendar days of the fully complete determination.

**Can the decision be appealed?**

The Planning Director's decision may be appealed to the County Hearings Examiner by the applicant or any person or group. The appellant must submit an appeal application and **\$1,070** fee within 14 calendar days after the written notice of the decision is mailed.

**If I get denied, can I reapply?**

No person, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one (1) year from the date of the final decision.

However, if the decision is a denial without prejudice, or in the opinion of the planning director, conditions have substantially changed, reapplication may be permitted before the year limit expires.

**Note:** This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.520.020 Uses Permitted Subject to Review and Approval by the Planning Director.

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.clark.wa.gov>**

## DEVELOPMENT REVIEW SIMILAR USE DETERMINATION APPLICATION SUBMITTAL REQUIREMENTS

The following checklist identifies information to be included with the Application. All items with a bold underlined space (i.e., **\_\_\_**) must be submitted before the application will be considered "Counter Complete."

1. **\_\_\_ APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
2. **\_\_\_ APPLICATION FEE** - The requisite fee for site plan review shall accompany the application. The check is to be made payable to "Clark County Community Development".
3. **\_\_\_ NARRATIVE**  
A written narrative shall be submitted that addresses the following:
  - ☐ That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by the code;
  - ☐ That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
  - ☐ That the proposed use will have no substantial adverse effect on abutting property or the permitted use thereof; and,
  - ☐ That in the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

### Staff Notes:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

This application was determined to be Counter Complete on: \_\_\_\_/\_\_\_\_/\_\_\_\_

Community Development Specialist: \_\_\_\_\_

# DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 12/4/03)



<b>PROJECT NAME:</b>		
<b>TYPE(S) OF APPLICATION (See Reverse Side):</b>		
<b>DESCRIPTION OF PROPOSAL:</b>		
<b>APPLICANT NAME:</b>	Address:	
E-mail Address:	Phone and Fax:	
<b>PROPERTY OWNER NAME</b> (list multiple owners on a separate sheet):	Address:	
E-mail Address:	Phone and Fax:	
<b>CONTACT PERSON NAME</b> (list if not same as APPLICANT):	Address:	
E-mail Address:	Phone and Fax:	
<b>PROJECT SITE INFORMATION:</b> Site Address:		Comp Plan Designation:
Cross Street:	Zoning:	Serial #'s of Parcels:
Overlay Zones:	Legal:	Acreage of Original Parcels:
Township:	Range:	¼ of Section:

## AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

<b>Assigned at Customer Service Center</b>	<b>CASE NUMBER:</b>	
	<b>WORK ORDER NUMBER:</b>	

## **APPLICATION TYPES**

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

### **Environmental/Critical Areas:**

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

### **Land Division:**

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat (\_\_\_ Infill)
- ☐ Subdivision (\_\_\_ Infill)

### **Miscellaneous:**

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

### **Planning Director Review:**

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change